IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)
THURSDAY, THE TWENTY NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 13171 of 2004

Between:

B. Vijaya Kumar, S/o. Late B. Jangaiah, aged about 36 years,
Occ.Driver, Rajendranagar Depot, Hyderabad, R/o.H.No.1-4-4, Budwel
Rajendranagar, Hyderabad.

..... PETITIONER

AND

Depot Manager, A.P.S.R.T.C. Rajendranagar Depot,
Hyderabad. Andhra Pradesh.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or direction particularly one in the nature of Writ of Mandamus declaring the action of the respondent in issuing Suspension Order No.M1/535(26)/2004-RJNR dated 09-07-2004 is an inhuman action without taking sympathy on the 1st Shift Driver whose own uncle expired and his wife shocked after seeing the dead body and become unconscious hence she was admitted in Hospital the said report was given by the CI/RJNR to the 1st Shift Driver Sri M.S.Baig, E.No.99528 of A.P.S.R.T.C., Rajendranagar Depot through S.M. Saladdin, driver E.76582 of RJNR Depot advising the 1st Shift driver to operate last trip 13.00 Hrs. from Himayatnagar to RJNR Depot instead of Koti and back to Himayatsagar and Depot, but the passengers were insisting to operate the service according to schedule trip to provide convenience to attend their emergency work and places, hence without cancellation of any trip, without causing any loss to the revenue of Corporation, the petitioner took charge from his 1st Shift Partner and continued to operate last trip, hence there is no misconduct in operation of service and the Suspension order is as illegal, bias, unjust, stigma, contrary to law and in violation of principles of natural justice by granting all consequential benefits and suspend the Suspension Order No.M1/535(26)/2004 RJNR Dated 09-07-2004.

Counsel for the Petitioner: MR.MOHD.GHOUSUDDIN

Counsel for the Respondent: MR.K.HARINATH, Standing Counsel for A.P.S.R.T.C.

The Court at the admission stage made the following :

THE HONOURABLE DR.JUSTICE G.YETHIRAJULU

WRIT PETITION No.13171 OF 2004

ORDER:

The petitioner is a driver of the respondent-A.P. State Road Transport Corporation. He was kept under suspension by the respondent through Order No. M1/535(26)/2004-RJNR, dated 09.07.2004 pending enquiry against him. It is the inherent power of the employer to place an employee under suspension pending departmental enquiry. The petitioner, if he is in a position to place sufficient material to convince the respondent the circumstances under which he conducted himself, it is for the respondent to consider his request for revocation of the suspension order. The petitioner is, therefore, at liberty to make an application to the respondent explaining the circumstances and making a request to revoke the suspension. On making such application, the respondent is directed to pass appropriate orders within ten (10) days from the date of receipt of such application.

The Writ Petition is accordingly disposed of at the stage of admission. No order as to costs.

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(DR.G.YETHIRAJULU,J)

Date: 29th July, 2004.

Cs

NOTE:

Issue CC in two days.

(B/O)

cs

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1.The Depot Manager, A.P.S.R.T.C., Rajendranagar Depot,

Hyderabad.

2.Two C.D. copies.